

NRD votes to halt well drilling

Three-year ban will cover six- to eight-mile stretch

By Robert Pore

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Publication Date: [11/21/03](#)

A controversial proposal to temporarily suspend new well drilling in a portion of the Central Platte Natural Resource District was approved Thursday by board members by an 11-8 vote.

The temporary suspension will cover a six- to eight-mile area along the entire length of the Platte River in the Central Platte NRD.

An amendment to the motion to limit the suspension to an area from Elm Creek in western Buffalo County into Dawson County to the western border of the Central Platte NRD along the Platte River was defeated by a 5-14 vote.

Prior to the regular board meeting, the district's Water Resources Committee discussed the temporary moratorium for nearly two and one-half hours, but failed to get a consensus of board members that make up the committee to make a recommendation to the board. Eighteen of the 19 members of the NRD's board of directors who voted on the proposal are also members of the Water Resources Committee.

Attending both the Water Resources Committee meeting and regular board meeting was Dan Seim of Chapman, who was opposed to the temporary moratorium.

"They didn't listen to what the people told them to do," Seim said. "That board went against the wishes of the people. We are the ones who elected them. They bowed in to the pressure from Lincoln. That is all there is to it."

Seim was referring to a series of four meetings the Central Platte NRD held in early November in Lexington, Kearney, Central City and Grand Island to take public comments on the proposal.

While a majority of the testimony given at those public hearings was against the proposed moratorium, at each of the meetings those in attendance were asked to fill out a questionnaire for the board asking them how they stood on the proposal.

Of the 450 people estimated in attendance at those meetings, 237 filled out the questionnaire. Of those 237 people, 166 were very opposed to the temporary moratorium, 30 somewhat opposed it,

12 were neutral, 16 were somewhat supportive, 11 were very supportive and two were either somewhat opposed or somewhat supportive.

Because of the strong opposition expressed at those hearings, board member Carroll Sheldon of Kearney voted against the moratorium Thursday.

"I can't see that the board members can go against those who attended those hearings and expressed their feelings against the moratorium," he said. "It seems atrocious to me that they disregarded the people who came to those hearings and the people who they represent and then voted against their wishes."

Sheldon feels the consequences of the board's action to impose the temporary moratorium are going to hurt the district in the long term.

"It is going to give the state control to start coming in and doing what they see fit," he said. "It's not just the moratorium, but other things down the road. We should have stayed away from this as long as we could. We don't have the numbers, the figures and the science to know what we are doing. We are jumping ahead of time."

During the Water Resources Committee meeting, board member Dick Mercer, who is also chairman of the Water Resources Committee, told board members that the state's Water Policy Task Force, which met on Tuesday and Wednesday in Kearney, will recommend legislation in the upcoming session of the Legislature that will give the Department of Natural Resources the authority, if they find a water basin or a portion of that basin either fully appropriated or overappropriated when it comes to groundwater or surface water use, to immediately impose a moratorium on new well drilling.

It was the Department of Natural Resources that, in September, requested that the Central Platte NRD impose a temporary moratorium along the Platte River in the district upstream from Elm Creek in Buffalo County.

The Water Resources Committee then recommended that the entire board consider the proposal, but also included the entire district along the Platte River.

Mercer, who represents the Central Platte NRD on the Water Policy Task Force, said he is convinced that the Legislature will pass the task force's recommendation.

"People will say that you never know whether a bill will pass or not," Mercer said. "In all the years I have worked with the Legislature, I'm as sure as sure can be that this will be one that

will go through and go through fairly fast."

He said if the board had not voted for the temporary districtwide new well drilling ban, it would have left the district wide open, to a certain extent, for the state coming in and imposing the moratorium itself.

"If we would have done nothing, we were open as soon as the legislation passed for the director of natural resources to issue a stay and we would have to work harder than ever to get our thoughts into the moratorium," Mercer said.

Mercer, who read all the testimony presented to the board and attended three of the four public hearings, said he is well aware of the strong opposition to the moratorium, but said the board had to look at the bigger picture that brought about the proposal to temporarily suspend all new well drilling.

"We heard many, many comments in the hearings that we wanted to keep it under local control," he said. "What we have done here today will allow it to be better managed by our staff and this board of directors than by a state or federal agency that could move in and say this is the way this is going to be done."

NRD board member Kurt Kline of Lexington, who made the motion to put a temporary suspension on new well drilling in the district, said he felt it was necessary to include the entire district and not just the area west of Elm Creek.

"If we didn't make that decision, the state would probably come in and impose the moratorium and then our options would be even less than what they are now," Kline said "This is a temporary moratorium. We will study it. It is not permanent."

Despite the overwhelming opposition expressed at the four meetings the NRD held on the proposal, Kline believes the testimony doesn't represent the consensus of most people in the district.

"The people attending the meetings were there to voice their opposition," he said. "I just didn't get that feel from my district. I think we acted as responsibly as the law allows us to act."

But Mike Allen, who farms in the Ayr area, disagrees with Kline and said board members who voted for the moratorium did not act in the best interests of their constituency.

"This decision was based solely on an initiative from the Department of Natural Resources, based on real thin legalese, to push this agenda through," Allen said. "The state has instructed this board to abandon sound science and rely on a reason-to-believe clause based on a foreseeable future of a

potential conflict between groundwater users and surface water administrators. That is an extremely thin legal precedent to base the future of our access to this beneficial resource for agriculture. It just wasn't justified -- not by their constituents and not by sound science. It was a political decision."

What worries Allen about this decision is now that it has been made by the board, it will be difficult, because of state involvement, to have it reversed.

"There is going to be too much pressure from the same outside political interests that pushed the agenda this far to ever reverse the decision," he said. "My fear is that the board members sincerely believe that, at the end of the COHYST study (Cooperative Hydrological Study on the Platte River in Nebraska, which is expected to be completed by October 2004), if this moratorium is not justified, they will be able to remove it. Unfortunately, I'm more skeptical than that. I think that if the state can cause this board to disregard sound science in moving this far, I don't see that changing in the future. I think that they have thrown science out the window."

BREAK OUT BOX

How the Central Platte Natural Resources District board of directors voted on its decision to impose a temporary suspension of new well drilling in portions of the district.

Voting for the proposal:

James Foster, Grand Island.

Douglas Gruber, Cozad.

Mary Heusman, Eddyville.

Daryl Keiser, Gothenburg.

Don Kelly, Grand Island.

Kurt Kline, Lexington.

Richard Mercer, Kearney.

Barry Obermiller, Doniphan.

John Tarrell, Kearney.

William Vasey, Cozad.

Scott Woodman, Kenesaw.

Voting against the proposal:

Thomas Brennan, Overton.

Edward Kyes, Central City.

Daniel Ohlman, Shelton.

Ladd Reeves, Marquette.

Loren Schuett, Grand Island.

Carroll Sheldon, Kearney.

Keith Stafford, Kearney.

Jerry Wiese, Grand Island.

Board members not present:

Alicia Haussler, Grand Island.

Charles Bicak, Kearney.

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